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Jason Yelle, Francis Dreesen, Julio Calderin,  
Wes Mattice and Gregory Smith

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 RANDY JOHNSON, )  
15 Plaintiff, )  
16 vs. )  
17 JAMES COX, et al., )  
18 Defendants. )  
19 \_\_\_\_\_)

NJK  
Case No.: 2:14-cv-01326-JCM-~~NHK~~  
Order granting  
**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
MOTION FOR SUMMARY  
JUDGMENT  
(FIRST REQUEST)**

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21 Defendants, James Cox, Minor Adams, Sheryl Foster, Brian Williams, Jo Gentry,  
22 Johnny Youngblood, Brian Henley, Jennifer Nash, Dwight Neven, Isidro Baca, Richard  
23 Snyder, James Stogner, Jason Yelle, Francis Dreesen, Julio Calderin, Wes Mattice and  
24 Gregory Smith, by and through counsel, Adam Paul Laxalt, Attorney General, and Caroline  
25 Bateman, Deputy Attorney General, of the State of Nevada, Office of the Attorney General,

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1 hereby move for an extension of time for the filing of dispositive motions pursuant to Local Rule 6  
2 and Local Rule 26-4.

3 DATED this 25th day of August, 2015

4 Respectfully submitted,

5 ADAM PAUL LAXALT  
6 Attorney General

7 By: /s/ Caroline Bateman

8 CAROLINE BATEMAN

9 Deputy Attorney General

10 *Attorneys for Defendants*

11 *James Cox, Minor Adams, Sheryl Foster,  
12 Brian Williams, Jo Gentry, Johnny  
Youngblood, Brian Henley, Jennifer Nash,  
Dwight Neven, Isidro Baca, Richard Snyder,  
James Stogner, Jason Yelle, Francis Dreesen,  
Julio Calderin, Wes Mattice and Gregory  
Smith*

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14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. PROCEDURAL HISTORY**

16 Plaintiff Randy Johnson (“Plaintiff”) commenced this suit with the filing of a Civil Rights  
17 Complaint on November 14, 2014. Dkt. #5. Pursuant to screening, the Court determined that  
18 Plaintiff stated viable claims for the following: violations of free exercise of religion; violations  
19 of equal protection; retaliation; and violations of the Religious Land Use and Institutionalized  
20 Persons Act (“RLUIPA”). Dkt. #7.

21 On January 6, 2015, the Court referred the case to the Inmate Early Mediation  
22 Program. Dkt. #9. On February 20, 2015, the parties engaged in the Early Mediation  
23 Conference but did not reach a settlement. Dkt. #10.

24 On May 1, 2015, Defendants filed their Answer to Plaintiff’s Amended Complaint. Dkt.  
25 #15.

26 On May 4, 2015, the Court issued its Scheduling Order. Dkt. #15. The Scheduling  
27 Order set the deadline for motions for summary judgment for September 1, 2015. Dkt. #15.

Defendants now move for an extension of time to file their motion for summary judgment.

## **II.      LEGAL ANALYSIS**

The Court has broad discretion in supervising the pretrial phase of litigation, which includes establishing discovery deadlines. See *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002). LR 6-1 governs requests for extensions of time and it requires the following: “every motion or stipulation to extend time shall inform the Court of any previous extensions granted and state the reasons for the extension requested.” LR 26-4, which governs extensions of scheduled deadlines, further requires that motions or stipulations to extend deadlines must be supported by a showing of “good cause” and requests to extend deadlines that are filed less than twenty-one (21) days before the expiration of said deadlines must be supported by a showing of excusable neglect.

Defendants respectfully request that this Court find that they have demonstrated both good cause for their requested extension and excusable neglect for their late submission.

### **III. REQUESTED EXTENSION AND GOOD CAUSE THEREFOR**

## A. Discovery Completed

Defendants have been actively compiling documents and other discovery in the present case. Plaintiff has not requested any discovery as of the date of the filing of this motion.

#### **B. Discovery remaining to be Completed**

Discovery is currently closed. There is no outstanding discovery pending for any of the parties.

#### **C. Good Cause Explanation for the Request of an Extension**

The Public Safety Division of the Office of the Attorney General, which represents the Nevada Department of Corrections, has recently seen the departure of its three Senior Deputies Attorney General as well as one general Deputy Attorney General. Undersigned counsel for Defendants has absorbed twelve cases previously handled by the departed deputies and is working to familiarize herself with the status of those cases while also

1 managing over thirty other cases<sup>1</sup>. The present case involves numerous, complicated claims  
2 against seventeen defendants. Counsel is in the process of reviewing Plaintiff's claims with  
3 the defendants and has requested additional documents from the Nevada Department of  
4 Corrections to include in a motion for summary judgment. Finally, counsel for Defendants will  
5 be out of the jurisdiction from August 27, 2015 to September 1, 2015.

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7 **D. The Present Motion for Enlargement of Time was not Submitted within 21 Days  
8 before the Expiration of the Discovery Deadline due to Excusable Neglect.**

9 Motions for Summary Judgment are currently due on September 1, 2015. Defendants  
10 were aware of the dispositive motion deadline in the present case and were actively preparing  
11 their Motion for Summary Judgment by compiling records and obtaining declarations from  
12 pertinent actors to the case. However, the departure of the three Senior Deputies within the  
13 Public Safety Division of the Attorney General's Office took place within the last thirty days,  
14 and Counsel's efforts to familiarize herself with their cases has delayed her ability to properly  
15 present the motion for summary judgment in the present case. Counsel for Defendants  
16 asserts that excusable neglect caused the request for an extension of time to be filed outside  
17 the 21-day requirement of LR 26-4 and the Court's Scheduling Order and affirms that the  
18 request for an extension of time is not for the purpose of delaying proceedings.

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28 <sup>1</sup> A review of Counsel's assignments and appearances are detailed in Counsel's Declaration in Support of  
Defendants' Motion for Extension of Time, attached hereto as **Exhibit A**.

#### **IV. CONCLUSION**

Based on the foregoing, Defendants respectfully request an extension of time to file their dispositive motion for a period of forty-five (45) days.

DATED this 25th day of August, 2015.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Caroline Bateman  
CAROLINE BATEMAN  
Deputy Attorney General

*Attorneys for Defendants  
James Cox, Minor Adams, Sheryl Foster,  
Brian Williams, Jo Gentry, Johnny  
Youngblood, Brian Henley, Jennifer Nash,  
Dwight Neven, Isidro Baca, Richard Snyder,  
James Stogner, Jason Yelle, Francis Dreesen,  
Julio Calderin, Wes Mattice and  
Gregory Smith*

This motion to extend is hereby GRANTED. The deadline to file dispositive motions is extended to October 16, 2015. IT IS SO ORDERED.

Dated: August 26, 2015

## United States Magistrate Judge